

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

ELAINE S WENDEL

:

Plaintiff,

:

Civil Action No. 15-cv-00936

-v-

:

MULLOOLY, JEFFREY, ROONEY &
FLYNN, LLP

Defendant.

:

**NOTICE OF MOTION TO HOLD DEFENDANT'S MOTION TO DISMISS IN
ABEYANCE PENDING RESOLUTION OF PLAINTIFF'S IMMINENTLY
FORTHCOMING MOTION TO AMEND**

Please take notice that upon the pursuant to the annexed affidavit, Plaintiff will move this court to enter an order, on the date and time of its choosing, which holds Defendant's motion to dismiss Plaintiff's original complaint in abeyance, pending resolution of Plaintiff's imminently forthcoming motion to amend. Counsel for Plaintiff reached out to counsel for Defendant to obtain consent for this motion. Counsel for Defendant withheld consent pending an opportunity to review Plaintiff's motion to amend, and confer with his client. To the extent this motion is opposed, Plaintiff intends to file a reply brief.

Respectfully submitted,

/s/ Timothy Hiller

Timothy Hiller, Esq.
Law Offices of Kenneth Hiller
Attorney for Plaintiff
6000 N. Bailey Ave., Suite 1A
Amherst, New York 14226
716-564-3288
thiller@kennethhiller.com